

# **U.S. EXHIBIT**

**2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) Case  
) No. 1:23-cv-00853-DAE  
GREG ABBOTT, in his )  
capacity as GOVERNOR OF )  
THE STATE OF TEXAS, and )  
THE STATE OF TEXAS, )  
)  
Defendants. )

ORAL DEPOSITION OF  
MICHAEL BANKS  
Wednesday, July 10, 2024

ORAL DEPOSITION OF MICHAEL BANKS, produced as  
a witness at the instance of the Plaintiff, United  
States of America, and duly sworn, was taken in the  
above-styled and numbered cause on the 10th of  
July, 2024, from 9:10 a.m. to 12:43 p.m., before Sharon  
Ross, Certified Shorthand Reporter in and for the State  
of Texas, reported by computerized stenotype machine, at  
the US Attorney's Office for the Western District of  
Texas, 903 San Jacinto Boulevard, Suite 334, Austin,  
Texas 78701, pursuant to the Federal Rules of Civil  
Procedure and/or any provisions stated on the record or  
attached hereto.

Reported by:  
SHARON ROSS, Texas CSR #1961,  
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Also Present:

Armando Salinas, Jr.

1 THE REPORTER: Thank you.

2 Q. (BY MS. LOWRY) Would you make any other  
3 changes to the opinions captured in this disclosure?

4 MR. BRYANT: Mr. Banks, take your time and  
5 review --

6 Q. (BY MS. LOWRY) We'll go through the --

7 MR. BRYANT: -- review the document as much  
8 as you need to --

9 THE WITNESS: Okay.

10 MR. BRYANT: -- before you answer that.

11 Q. (BY MS. LOWRY) And we will go through them one  
12 by one; but if there's anything that jumps out at you at  
13 the top level, now would be the time.

14 MS. LOWRY: If we could also pause -- we  
15 might need to go off the record -- the guest joining us  
16 by Zoom cannot hear.

17 (Discussion off the record.)

18 A. Yeah, nothing else.

19 Q. (BY MS. LOWRY) In forming these opinions, have  
20 you relied on any particular facts not summarized in  
21 this disclosure?

22 A. I mean, I'm sure there's a lot of facts that I  
23 didn't put in here. I mean, this is -- this is a  
24 summarat -- a summarization of a lot of data.

25 And so there's a lot more data -- finite

1 data that is not put in here, but it's data I used to  
2 come to that decision.

3 Q. What types of data?

4 A. Crossing data from CBP's public website,  
5 reports from both TMD, Texas Military Department, and  
6 Texas Department of Public Safety, from officers and  
7 agents on the scene in addition to my own personal  
8 observations from the extensive amount of time that I  
9 have spent in the Eagle Pass area around the buoys.

10 Q. What types of TMD reports?

11 A. They do a report that shows where they have  
12 people manned and located, and so they have requirements  
13 to report.

14 For example, if a TMD soldier sees someone  
15 approach the buoys, go around the buoys, or attempt to  
16 go over the buoys, those listening and observation posts  
17 would report that, also, any reports from TMD or DPS or  
18 the absence of reports for rescues in and around buoys.

19 Q. Are those reports made in writing?

20 A. Yes, I mean, if there's a report. If they see  
21 nothing, then obviously there's no report. They would  
22 only report contact.

23 Q. And in what form do those reports come in  
24 writing?

25 A. They're -- I mean, Excel spreadsheet via email.

1           A. Well, it would be the Eagle Pass -- the task  
2 force assigned to Eagle Pass.

3           Q. About how many people are on that task force?

4           A. I -- I could not give you an honest answer. It  
5 changes day to day depending on the influx of traffic  
6 across the border. We move soldiers almost daily.

7           Q. So if I'm understanding correctly, personnel in  
8 Eagle Pass will provide daily reports to quality  
9 control; and then quality control compiles a broader  
10 report covering the length of the border. Is that  
11 accurate?

12          A. Yeah, I wouldn't -- I don't know if I -- I used  
13 the term "quality control." I don't know what the  
14 military term is for it but it's a department that their  
15 data comes into and then they take data from each task  
16 force, because the border's broken up over task forces,  
17 and then it all routes through their headquarters, if  
18 you will.

19                   And they have a team at headquarters that  
20 puts all the data into one report that goes out daily.

21          Q. Do you know if the personnel in Eagle Pass  
22 specifically that -- I'll use quality control because  
23 that's --

24          A. Okay.

25          Q. You understand what I mean if I say that?

1 A. Right.

2 Q. -- that is providing this information to  
3 quality control, do they do that in one package per day  
4 or may -- like would they possibly make multiple  
5 communications to quality control over a day?

6 A. Headquarters produces a consolidated document  
7 once a day from all the task forces.

8 How often each task force reports up to  
9 headquarters, I'm not sure. I don't know if they do  
10 that daily or multiple times a day for a shift. I just  
11 don't know.

12 Q. You mentioned that part of the reporting  
13 responsibilities include if anybody has attempted to go  
14 over the floating barrier, around the floating barrier.  
15 Do you recall that?

16 A. I do.

17 Q. What are their instructions for capturing  
18 information related to the floating barrier?

19 A. TMD is required -- well, TMD or DPS -- they  
20 work together -- are required to maintain an overwatch  
21 of the buoys for the purpose of safety.

22 That overwatch is required to report to  
23 their task force command any contact with anyone that  
24 approaches the buoy, turns back, anyone that makes  
25 contact with the buoy, anyone that comes over the buoy.



1           They're required to report that through  
2           their task force, and then their task force report it to  
3           their -- to the headquarters' quality control, if you  
4           will.

5           Q.   Are those instructions in writing or is this a  
6           verbal understanding?

7           A.   I'm not -- I'm not at the musters where TMD  
8           gives their instructions. So I'm not sure if TMD has  
9           given it to them in writing or if they've given them to  
10          them verbally.

11          Q.   Have you issued those instructions personally  
12          to the TMD personnel performing the overwatch at the  
13          buoys?

14          A.   No. The TMD -- the TMD leadership gives that  
15          to the TMD. I don't dir -- I don't direct the  
16          individual actions of the soldiers in the TMD.

17          Q.   And so you are relying on what you understand  
18          to be what TMD has told their personnel?

19          A.   I'm relying on reading a report that shows any  
20          activity at the buoys or not at the buoys.

21                  And for them to have a section that reports  
22          activity and shows activity or no activity is -- to me,  
23          it's factual that TMD is recording that information  
24          because they're producing that information.

25          Q.   And here's what I'm trying to understand. Is

1 probably be helpful if you can refer to this exhibit as  
2 we go through.

3 Can you please read for the record  
4 paragraph 1, your first opinion in this case?

5 A. Sure. "The buoys are ... extremely  
6 effective" -- "are an extremely effective deterrent  
7 against transnational crime and have proven to be  
8 incredibly effective in preventing the illegal entry of  
9 persons, guns, drugs, and goods into Texas. Current  
10 deployed buoys are monitored 24 hours a day, seven days  
11 a week; and there have been zero observed illegal  
12 crossings over the buoys since they were placed in the  
13 river."

14 Q. Does that accurately capture your opinion?

15 A. Yes.

16 Q. Are there any changes or caveats you would like  
17 to make to that opinion at this time?

18 A. No.

19 Q. Looking at the -- the first sentence, "The  
20 buoys are an extremely effective deterrent against  
21 transnational crime and have proven to be" extreme --  
22 "incredibly effective in preventing the illegal entry of  
23 persons, guns, drugs, and goods into Texas," did you  
24 rely on any particular data in reaching that opinion?

25 A. I did. I relied on CBP numbers as well as the

1 activity that was reported by TMD and DPS.

2 Q. What CBP numbers were you relying on?

3 A. Whatever their publicly posted numbers are.

4 Q. Does CBP post numbers specific to the area  
5 adjacent to the floating barrier?

6 A. No, to an entire sector or to a -- they do it  
7 by station as well.

8 Q. So the data would be covering the entire Eagle  
9 Pass station that you were looking at?

10 A. Yes. They don't release by zone.

11 Q. Do you know how long -- how many miles of  
12 border the Eagle Pass station is responsible for?

13 A. I don't.

14 Q. Are you able to attribute those numbers  
15 specifically to the floating barrier in any way?

16 A. I think the floating barrier is part of a  
17 defense in-depth structure, and so no one item controls  
18 the border. It is a combination of items that work  
19 together.

20 Q. So is the answer to my question -- my question  
21 is whether you can take a CBP number and attribute it  
22 specifically to the floating barrier.

23 A. Not a CBP number.

24 Q. What numbers can you -- what data are you  
25 relying on to form this opinion that you can attribute

1 specifically to the floating barrier?

2 A. The number of crossings witnessed in this  
3 particular location before the buoys were applied and  
4 then looking at the number of crossings in that  
5 particular area once the buoys were put into place and  
6 looking at the decrease in traffic in that specific  
7 location.

8 Q. What do you mean by "transnational crime"?

9 A. So that's TCO -- transnational organizations  
10 are organizations that are involved in smuggling.  
11 They're involved in trafficking of narcotics. They're  
12 involved in -- so smuggling of weapons south, smuggling  
13 of money south, smuggling of guns -- I'm sorry --  
14 smug -- drugs and humans north, so anything where your  
15 criminal activity is coming from one country into  
16 another country.

17 Q. Do you have data specific to transnational  
18 crime in the area of the floating barrier?

19 A. I'm trying to make sure I say this right.

20 The smuggling of people across that area is  
21 transnational criminal activity. That is a crime,  
22 smuggling.

23 If in that particular area we were seeing  
24 high numbers, once those buoys were placed there, we saw  
25 no numbers. That, to me, is reduction of that

1 surrender.

2 THE REPORTER: Thank you.

3 Q. (BY MS. LOWRY) They are not evading -- trying  
4 to make further entry, as you said, as a got-away?

5 MR. BRYANT: Objection to form.

6 A. I'd have to go back and look at the total  
7 number of got-aways that DPS has apprehended that don't  
8 count as got-aways because they're handed over to the  
9 Border Patrol but they were attempting to get away, plus  
10 the total number of reported got-aways by CBP to get you  
11 an exact number on what the percentages are.

12 But if -- but if I was using an -- using an  
13 estimate, I would say more have surrendered than have  
14 gotten away.

15 Q. (BY MS. LOWRY) Looking back at Exhibit 1 at  
16 your second opinion, can you please read that for the  
17 record?

18 A. "It is my view that buoys do not possess a  
19 danger to the public or law enforcement. The Rio Grande  
20 River has numerous natural dangers, including the  
21 currents, depth, rocks, debris, both sunken and  
22 floating, large boulders. As a moving body of water,  
23 the river is consistently changing. Each of these  
24 changes presents a danger to boats operating on the  
25 river. The buoys, on the other hand, are affixed and

1 constant. So their location is marked on maps, GPS  
2 systems, and known to locals and law enforcement.  
3 Additionally the buoys are bright orange for visual  
4 identification which prevents collisions of passing  
5 vessels. The buoys run perpendicular to the banks of  
6 the river to ensure water flow and navigation of vessels  
7 up and down the river is unimpeded."

8 Q. Does that accurately capture your opinion?

9 A. Yes.

10 Q. Is there anything that you would like to change  
11 about that opinion at this time?

12 A. No.

13 Q. Is there any particular data that you relied  
14 upon in reaching this opinion?

15 A. So there's a lot of data right there. There's  
16 my personal experience. There's the amount of time I've  
17 spent on boats with DPS and TMD along the river. There  
18 is my past experience with the boat units.

19 As we established earlier, I was not  
20 certified to operate boats; but I did spend quite a bit  
21 of time on the boats with my agents. And they mark  
22 everything in the river on GPS to ensure they know where  
23 the hazards are.

24 Q. Is -- so is that data captured in any written  
25 format or are you saying that you're relying on your

1 experience?

2 A. That they're marked on GPSs?

3 Q. If that dat -- if the fact that they are  
4 captured on GPSs is written down somewhere and you're  
5 relying on that, then, yes.

6 A. I guess I'm trying to understand the question  
7 because, I mean, I guess the data that the buoys are  
8 orange and we could take it piece by piece; but the  
9 video you showed showed the numerous natural dangers,  
10 including the fast-moving current around the rocks. It  
11 shows the debris. It showed large boulders. It showed  
12 the river moving.

13 The buoys being -- being orange and large,  
14 the buoys running perpendicular, I mean, that was all  
15 just in the last exhibit we showed.

16 Q. Uh-huh.

17 A. So, I mean, to me it's factual and I think data  
18 is -- there's tons of data and experience and knowledge  
19 that validate what I'm saying in this message.

20 Q. Do you -- are you aware that there are concrete  
21 anchors attached to the floating barrier?

22 MR. BRYANT: Objection to form.

23 A. Yes.

24 Q. (BY MS. LOWRY) How many concrete anchors are  
25 there attached to the floating barrier?

1 sub it out. I just don't know.

2 Q. So you're not sure who -- who it was  
3 specifically performing that maintenance?

4 A. Correct.

5 Q. "The buoys assist" -- reading again from your  
6 opinion, "The buoys assist law enforcement in performing  
7 their job as no illegal cross-border activity has  
8 happened at this portion of the border. Instead, the  
9 buoys have funneled that traffic and proven to be a  
10 force multiplier."

11 A. Correct.

12 Q. Is it your testimony that no one has made  
13 landfall in the area on the US side around the floating  
14 barrier?

15 A. No, that's not what I said.

16 Q. What do you mean when you say "no illegal  
17 cross-border activity has happened at this portion of  
18 the border"?

19 A. No one has -- no one has left Mexico, entered  
20 the river, went across the buoys, and entered into the  
21 United States.

22 Q. You have observed migrants going around --

23 A. Correct.

24 Q. -- the barrier, correct?

25 A. Correct.



1 Q. What is a "force multiplier"?

2 A. A force multiplier is any time you can put  
3 something in place that will limit the number of  
4 personnel you need to have in an area to control an  
5 area.

6 For example, the federal wall is a force  
7 multiplier. The state wall is a force multiplier. It  
8 allows you to control the flow of traffic allowing you  
9 to apply less physical manpower to it.

10 Q. I believe you testified earlier that Texas'  
11 attention to the area around the floating barrier has  
12 increased --

13 A. Correct.

14 Q. -- since it was installed, correct?

15 A. Correct.

16 Q. So it has not decreased the number of personnel  
17 needed to monitor this portion of the border, correct?

18 A. That's not -- no, that's not correct.

19 There were hundreds, if not thousands, a  
20 day crossing in that area. So the number of soldiers it  
21 took to either hold back them from making landfall or to  
22 detain them and get them to Border Patrol was  
23 significantly more than requiring one or two LPOPs  
24 watching the area to report.

25 Because the traffic in that specif --

1 particular area has been so greatly reduced, we have  
2 been able to move more manpower to other locations.

3 Q. Starting at the floating barrier, in what --  
4 just if you could orient me from there, in what portion  
5 of the border has the traffic been reduced?

6 A. The area at the individual buoys and then much  
7 of the area immediately to the east and west of the  
8 buoys.

9 At first when the buoys went in, a lot of  
10 traffic would approach the buoys and either turn back or  
11 approach the buoys and go around them.

12 As time went on and they realized that it  
13 wasn't going to be as easy to get across these buoys,  
14 much of the traffic -- the majority of the traffic in  
15 that area stopped coming. And so even the traffic that  
16 would go around the buoys has been greatly decreased.

17 Q. From how far out from the buoys would you say  
18 the traffic's been decreased?

19 A. Maybe -- at least 15 -- another 1500 feet in  
20 each direction.

21 Q. And do you attribute that to the floating  
22 barrier specifically?

23 A. I do.

24 Q. Do you think there are any other  
25 infrastructures or tactics that are influencing that

1 decrease in traffic?

2 A. Absolutely.

3 Q. What are those?

4 A. So the -- putting up additional wire, putting  
5 up ACB, all the other tactical infrastructure that we're  
6 putting in place.

7 As I said, the buoys are just one tool in a  
8 toolbox as part of a defense in-depth. No one thing is  
9 the right answer. It's the appropriate combination of  
10 all of those tools that are making that -- are achieving  
11 the success in that area of reducing those numbers.

12 Q. Are you able to give me a net benefit number --  
13 basically without the floating barriers, this many more  
14 migrants would have crossed into the United States?

15 A. Thousands.

16 Q. What is that number?

17 A. Do you want me to give you an exact number? I  
18 can't give you an exact number.

19 Q. And that's what I'm asking. Can you separate  
20 out the effect that the barrier -- the floating barrier  
21 has in addition to the C wire, in addition to the  
22 anti-climb fence, and say: This is the net benefit of  
23 this part of the infrastructure?

24 A. The net benefit is that thousands of migrants  
25 are no longer crossing in that area.

1 Q. How many migrants -- how many additional  
2 migrants would have crossed into the United States  
3 between July 2023 when the barrier -- floating barrier  
4 was installed and today?

5 A. How many more migrants would have crossed if  
6 the barriers wouldn't have been there? That -- I can't  
7 answer that question.

8 Q. Do you recall any specific instances of someone  
9 approaching the barrier and turning back rather than  
10 going around it?

11 A. Yes.

12 Q. Do you know if those individuals later crossed  
13 somewhere else?

14 A. I think we asked that one earlier. No,  
15 absolutely not. I have no idea what they do when they  
16 go back to Mexico.

17 Q. In this opinion No. 3, you say, "The buoys  
18 assist law enforcement in performing their job as no  
19 illegal cross-border activity has happened at this  
20 portion of the border."

21 What are you referring to by "this portion  
22 of the border"?

23 A. The area at the buoys and directly east and  
24 west of the buoys, an area that required lots of agents,  
25 lots of law enforcement and military to address the

1 traffic that was coming across.

2 Because so many more have been funneled  
3 downriver closer to the port of entry, it has reduced  
4 the amount of law enforcement and military we need in  
5 that area.

6 Q. Okay. But you say here, "No illegal  
7 cross-border activity has happened."

8 A. At the buoys, correct.

9 Q. You mean at the buoys themselves?

10 A. Correct.

11 Q. You do not mean that there have been no illegal  
12 crossings on the bank for 1500 feet on either side of  
13 the buoys?

14 A. Correct.

15 Q. So when you say this portion of the border  
16 there is no illegal cross-border activity, you're really  
17 referring to the floating barrier itself?

18 A. The portion of buoys at the floating barrier  
19 co -- or the portion of the river that the floating  
20 barrier covers.

21 Q. Itself?

22 A. Right.

23 Q. Next you say, "While employed at CBP, Mr. Banks  
24 is aware of the agency engaging in the process of  
25 putting the very same buoys in the Rio Grande River.

1 However, when the administration changed, the buoy  
2 contracts were shelved. The decision to shelf the buoys  
3 was not an operational, legal, or safety decision but  
4 instead a political one."

5 Without getting into the specifics of what  
6 happened -- I'm not asking you -- and I believe you've  
7 not been authorized to disclose the substance of those  
8 conversations that you were having while you were at  
9 CBP, but I want to get into the basis of your knowledge.

10 So not the specific conversations, but were  
11 you personally involved in the process of putting what  
12 you describe as the very same buoys in the Rio Grande  
13 River?

14 A. Was I involved in the delivery of discussions?  
15 Yes, not all of them, but at least one specific one.

16 Q. One specific conversation?

17 A. (Witness nods head.)

18 Q. Do you recall other specific conversations?

19 A. So one in the delivery process and determining  
20 who, when, what, where, and how and then one in the "we  
21 will not" conversation.

22 Q. Were you personally involved in any way in a  
23 procurement process?

24 A. No.

25 Q. Were you part of CBP's procurement office?

1 A. No.

2 Q. You mention the decision to shelf the buoys.  
3 By that, do you mean ultimately CBP did not procure a  
4 floating barrier?

5 A. So since I wasn't in the procurement  
6 department, does signing a contract constitute  
7 procurement if the shel -- or if the buoys haven't been  
8 delivered?

9 Q. Let's pause. And, again, not getting into  
10 those --

11 A. Right.

12 Q. I'm just asking what you mean by "shelved."

13 A. I mean it was: Cancel the contract. We're not  
14 putting anything that's considered infrastructure on the  
15 border.

16 Q. Okay. Were you personally involved in the  
17 consideration of that decision?

18 A. I'm trying to figure out how to answer the  
19 question as honestly as possible. Can you repeat it one  
20 more time?

21 Q. Were you personally involved in that decision?

22 A. In the decision to?

23 Q. The consideration of that decision.

24 MR. BRYANT: Objection to form.

25 A. In the decision to?

1 Q. (BY MS. LOWRY) Whatever the substance is  
2 regarding the buoys, were you personally involved in the  
3 decision-making or were you just told about the  
4 decisions that had been made?

5 A. My opinion was asked and given.

6 Q. Okay. Looking at your fourth opinion in  
7 Exhibit 1, can you please read that into the record?

8 THE REPORTER: Slowly.

9 THE WITNESS: Sorry. I'm from Georgia and  
10 I'm supposed to talk slow, but I don't.

11 A. In conditions -- are the conditions in recent  
12 years in the Rio Grande area where the buoys are  
13 located -- I'm going to read it again. You messed me up  
14 when you slowed me down.

15 "The conditions in recent years in the Rio  
16 Grande area where the buoys are located have  
17 deteriorated to such an extent that placing the buoys  
18 was necessary. Over the last three and a half years,  
19 the Eagle Pass area has become not only a major public  
20 safety issue but also a humanitarian crisis.

21 "The Del Rio Sector where the buoys were  
22 located saw a 547 percent increase in cross-border  
23 related deaths over the last three and a half years.

24 "Prior to the installation of the buoys,  
25 there were thousands of illegal" migrants -- or



1 "immigrants huddled under a bridge with thousands more  
2 held in retention ponds adjacent to the bridge and  
3 thousands more still crossing with federal law  
4 enforcement doing nothing to stop the flow."

5 Q. Does that accurately capture your opinion?

6 A. I do believe that -- I was looking at death  
7 numbers yesterday, and it is a 447 percent increase, not  
8 a 547 percent.

9 Q. Okay. Thank you. Are there any other changes  
10 or caveats you would like to add to this opinion?

11 A. No.

12 Q. Besides the data on the number of  
13 border-related deaths, what other data did you look at  
14 in forming this opinion?

15 A. Total number of crossings, communications with  
16 the mayor, with the Chief of Police of Eagle Pass, with  
17 the fire department, the fire chief.

18 It's -- it's quite a bit of data. It is  
19 and it's ever changing but communicating with local  
20 stakeholders, city councilmen, mayors, law enforcement,  
21 fire department, communicating with COs of hospitals on  
22 the bed space in hospitals and then, of course, CBP data  
23 and our own internal data.

24 Q. When you say the conditions in recent years in  
25 the Rio Grande area where the buoys are located have

1 deteriorated, what do you mean by "the Rio Grande area"?

2 A. So specifically the Eagle Pass area -- and I  
3 want to be careful because I know there's Eagle Pass  
4 north and south and a lot of this is kind of on the seam  
5 of these two stations; but I'm referring to Eagle Pass,  
6 Rio Grande, and all the small communities in that area.

7 Q. When, in your opinion, did the placement of the  
8 floating barrier become necessary?

9 A. Shortly before it went in. So it went in July.  
10 So I think my advice regarding the buoys came up in --  
11 sometime in June.

12 Q. June 2023?

13 A. Yes.

14 Q. Prior to that you did not consider it  
15 necessary?

16 A. It -- I don't -- it's not that you don't  
17 consider something necessary. It's you're looking at  
18 all available options.

19 And when you're doing things and they're  
20 having an impact but not as great of an impact as you  
21 need to give the communities the relief that they  
22 deserve, you have to start looking at additional --  
23 additional things.

24 And, again, based on my experience with  
25 CBP, I -- these things had never been pla -- actually

1 placed by CBP in the river. So we didn't know for a  
2 fact if they would or would not work, but what we did  
3 know is that -- what I knew is that many of the experts  
4 in CBP --

5 Q. Okay. That's -- I think -- are we relying on  
6 the conversations you had within CBP while employed  
7 there?

8 A. This would be conversations with prior CBP  
9 after I re -- after I retired and after they had retired  
10 in regards to the buoys.

11 Q. Okay. So after, not while you were employed at  
12 CBP?

13 A. Correct.

14 Q. Okay.

15 A. And it's speaking with many of them that were  
16 maybe involved in the delivery process, that would be a  
17 question that --

18 Q. Then we're not going to get into it. Thank  
19 you.

20 The -- in your opinion, what is the  
21 threshold where the floating barrier will no longer be  
22 necessary?

23 A. You know, I don't know that there's a magic  
24 number. I think you -- I mean, honestly the magic  
25 number would be nobody crosses the border illegally.

1 that, I was executive officer of operations.

2 Q. Have you ever been certified to operate CBP  
3 boats?

4 A. No.

5 Q. Okay. I am going -- were you the executive --  
6 your title that was executive operations, was that for  
7 all of RGB?

8 A. Yes.

9 Q. What were your responsibilities in that job?

10 A. So you have a division chief of operations who  
11 reports directly to the deputy chief.

12 My job was to -- to communicate with all of  
13 the patrol agents in charge of each of the stations.  
14 They would report to me, and then I would report the  
15 information to the division chief of operations.

16 Q. I'm going to show you some photos that I have  
17 marked as Exhibits 5, 6, 7, 8, 9, and 10.

18 MR. BRYANT: Thank you.

19 Q. (BY MS. LOWRY) I will represent to you that  
20 these were photos taken in May of this year, May 2024.

21 And we'll -- let's go through some of them  
22 in particular. Looking at the first Exhibit 5, can you  
23 see the -- what looks to be debris pressed up against  
24 the floating barrier?

25 A. Yes.